

REMARKS

This amendment and these remarks are responsive to the Office action dated March 27, 2003. Claims 1-21 are pending in the application. Claims 1, 6, 10, 14, and 17-21 are amended. New claims 22 and 23 are added.

In the Office action, claims 1-21 are rejected under et U.S.C. § 112, second paragraph, as being indefinite; claims 1, 4-6, and 8, 14-16, and 18-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maki (U.S. Patent No. 5,639,522); claims 14 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hingorani et al. (U.S. Patent No. 6,276,109); and claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maki et al. in view of Smith et al. (U.S. Patent No. 5,876,084). Claims 7 and 9-13 are indicated as drawn to allowable subject matter.

In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 U.S.C. § 112

Claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Office action indicates that claims 1 and 14 are unclear as to whether the applicant intends to claim a molding in combination with a car body. In response, the applicant has amended claim 1 to recite the car body only in functional language. Similarly, claims 10, 14, and 17 have been amended to recite the car body only

in functional language.

The Office action indicates that claims 1, 6, and 18-21 are indefinite because the limitation “the protruding portions” lack sufficient antecedent basis. In addition, the Office action indicates that it is generally unclear as to the difference in the “protrusions” recited in claims 1, 4, 6, and 18-21. The applicant suggests that the claim element “protruding portion” of claim 1 is distinct from the claim element “protrusions” of claim 6. In particular, the specification consistently refers to “protruding portions” as portions of the elastic pieces of the fastener that engage the engage-and-stop portion of the fastener holder (see the specification at page 15, lines 1-14; and protruding portions 34b in Figs. 1, 2, 6B and 6C). Equally consistently, the specification has used the term “protrusions” when referring to the protrusions that come in contact with the fastener mounting seat or the base plate, or both to prevent rattling of the fastener and facilitate smooth insertion and withdrawal of base plate into and from the housing space (see the specification at page 17, line 21 to page 19, line 13, and Figs. 6A, 7, and 11A).

As the applicant has been consistent in the use of the terms “protrusions” and “protruding portions”, and as those terms are clearly defined in the specification, the applicant suggests that the recitation of those elements in the claims is not unclear, but is both particular and precise. However, the applicant has amended claims 1, 6, and 18-21 to provide sufficient antecedent basis for “protruding portions” (in claim 1) and “protrusions” (in claims 6 and 18-21).

The Office action indicates that claim 14 is indefinite because the element “base portion” has insufficient antecedent basis. The applicant has amended claim 14 to

replace “base portion” with “base plate”.

The applicant has also taken this opportunity to amend claim 1 to provide appropriate antecedent basis for the base plate of the fastener.

In view of the above remarks and amendments, the applicant suggests that the claims define the applicant’s invention with particularity, and request the withdrawal of the rejection of the claims under 35 U.S.C. § 112.

Rejections under 35 USC § 102

Claims 1, 4-6, and 8, 14-16, and 18-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maki (U.S. Patent No. 5,639,522). Claims 14 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hingorani et al. (U.S. Patent No. 6,276,109).

A particular aspect of applicant’s invention, as claimed in claim 1, is that by means of the extending elastic pieces 34, the fastener 23 engages the molding 20 (that is, the fastener holder 22) in a releasable manner. Maki does not disclose this structure, and the Maki fastener is not releasable.

The Office action states that a portion 156 in Maki corresponds to a pair of the extending elastic pieces 34. However, the portion 156 of Maki engages with *a car body panel 100*, as is obvious from Figures 14 and 15. In the present invention, the elastic pieces 34 engage with *the fastener holder 22* (not a car body) to secure the fastener to the fastener holder.

Further, in Maki, when a clip 150 is simply inserted into (or engages with) a clip holder 140 of the molding, the portion 156 does not engage with any portion of the

fastener holder. Even when the portion 156 is elastically deformed, the clip 150 *cannot be released* from the clip holder 140. However, in the present invention, when the elastic pieces 34 are elastically deformed, it is possible to release the engagement between the fastener and the fastener holder.

Similarly, the Office action indicates that Hingorani teaches a base plate 66, an engaging portion/trunk 70 that projects upright from the base plate, a pair of extending elastic pieces 74 whose ends are free, and protruding portions (the tips of 74) formed to the elastic pieces. However, in the invention of claim 14, the elastic pieces are configured to releasably engage with the fastener holder in order to secure the fastener holder to the fastener. In the push-in fastener of Hingorani, upper body 70 and tangs 74 are pushed into and secured in the car body, more particularly, in sockets 78 of the car body (see Hingorani at col. 3, lines 28-63). Hingorani fails to disclose a fastener that releasably engages a fastener holder as recited in instant claim 1.

As neither Maki nor Hingorani disclose each and every element of claim 1, applicant suggests that claim 1 and its dependent claims are patentable over both Maki and Hingorani, and requests the withdrawal of the rejection of claims because the features of the present invention are neither taught nor suggested by the applied prior art.

Rejections under 35 USC § 103

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maki et al. in view of Smith et al. (U.S. Patent No. 5,876,084).

As explained above, Maki does not disclose any fastener with elastic pieces for attaching the fastener 150 to the holder 140.

Smith discloses a clip 50 with a leg 56 and a flange 57, which are continuously formed. The continuous leg 56 has an edge 54 which engages with a car body, and a flange 55, which is inserted into a spaced location 35 of a part 10. While the flanges 55 and 57 attach the clip 50 to a holder, the flanges 55 and 56 are not elastically formed, and do not have free ends.

With this structure, while the clip 50 is attached to the part 10, the clip must engage with the car body. When the leg 54 is elastically deformed to secure the panel 10 to the support member 12, the distance between legs 54 and 56 becomes shorter. The distance between flanges 55 and 57 must necessarily also become shorter, since flange 55 extends continuously from leg 54. Therefore, by flexing leg 54 in order to insert the clip, there is a strong possibility that the clip 50 may be disengaged from and fall from molding 20.

In the present invention, engaging portions 39 of the fastener 23 engage the molding 20 with the car body, while elastic pieces 34 attach the fastener 23 to the molding 20 and are formed to a base plate 28. Engaging portions 39 and elastic pieces 34 function independently from each other.

Thus, Maki does not disclose that elastic pieces are formed on the fastener, and Smith does not disclose that the elastic pieces independently function from other engaging portions. As set out at MPEP § 2142, in order for the Office action to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As neither Maki nor Smith relate to elastic pieces that are formed on the fastener, and that function independently from other engaging portions, the Office action has failed to establish *prima facie* obviousness, and therefore the

rejection is improper. The applicant suggests that the claimed invention is therefore not obvious in view of the cited references, and requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103.

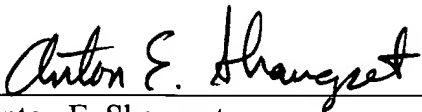
Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 7 and 9-13 are allowable.

The above amendments and remarks are believed to address fully the rejections, and place the application in condition for allowance. A prompt indication of the same respectfully is requested. The Examiner is encouraged to telephone the undersigned if any issues remain that may be resolved by a telephonic interview.

CERTIFICATE OF MAILING

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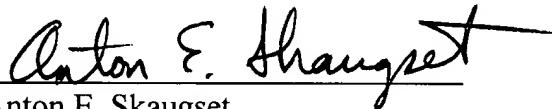


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Date of Signature: July 24, 2003



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